REMARKS

Applicant submits this Amendment in reply to the Decision on Appeal dated July 31, 2007. By this Amendment, Applicant has amended independent claims 1, 7 and 10. Accordingly, claims 1-12 remain pending in this application.

Applicant thanks the Examiner for holding a telephonic interview with Applicant's representatives on September 14, 2007. As discussed during the interview, and in view of the Appeal decision, Applicant has amended independent claims 1, 7, and 10 to clarify that the "model development machine" is different from the "test machine" and has a model separate and distinct from the model associated with the test machine.

Currently, claims 1-5, 7, and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2002/0138240 to Jelley et al. ("Jelley"); claims 6 and 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jelley in view of U.S. Patent No. 6,411,908 to Talbott; and claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jelley in view of Applicant's assertions. In a Decision of Appeal dated July 31, 2007, the Board of Patent Appeals and Interferences ("Board") affirmed these rejections. Applicant has amended independent claims 1, 7, and 10 and submits that these rejections are not sustainable for the reasons provided below.

Applicant emphasized on appeal that the claimed invention requires the "model development machine" to be separate and distinct from the "test machine" and to have a model separate and distinct from the model associated with the test machine. In response, the Board asserts that "[t]he claim language does not preclude the Examiner's view that the same machine and model can function at different times as the

claimed 'model development machine having a first at least one model' and as the claimed 'at least one test machine having a second at least one model.'" Decision on Appeal at 4. Accordingly, Applicant has amended independent claims 1, 7, and 10 to make clear that the "model development machine" is different from the "test machine" and each of the "model development machine" and the "test machine" has a model associated with it.

Specifically, claim 1 recites, among other elements, "establishing at least one test machine having a second at least one model to predict the machine parameter, the test machine being different from the model development machine." Claim 7 recites, among other limitations, "[a] method for compensating for variations in modeled parameters of a test machine compared to a model development machine, the test machine being different from the model development machine, including the steps of: delivering a neural network model from the model development machine to the test machine, the test machine having a separate neural network model." Claim 10 recites, among other things, "[a] method for compensating for variations in modeled parameters of a plurality of machines having similar characteristics and performing similar operations with the use of a computer having a processor, the plurality of machines including at least one model development machine and one test machine, including the steps of: sensing data from each of the plurality of machines relevant to the modeled parameters, characteristics, and operations of each respective machine, the modeled parameters derived from a model developmental machine being different for each respective machine."

Jelley, Talbott, and Applicant's assertions, either alone or in combination, fail to disclose or suggest at least the above recitations of claims 1, 7, and 10. Accordingly, Applicant respectfully requests withdrawal of the Section 102(e) rejection of claims 1-5, 7, and 8. Applicant also requests withdrawal of the Section 103(a) rejection of claim 10. Claims 6, 9, 11, and 12 depend from one of claims 1, 7, and 10. Each of claims 6, 9, 11, and 12 is therefore allowable for at least the same reasons that claims 1, 7, and 10 are allowable. Withdrawal of the Section 103(a) rejection is respectfully requested.
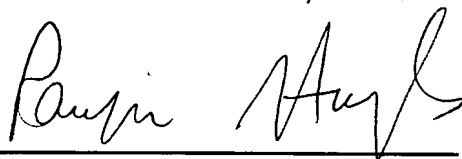
The Decision on Appeal contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Decision on Appeal. In discussing the specification, claims, and drawings in this Amendment, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: September 27, 2007   By:_____

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